


Form and Correctness Approved: *BAP*

Contents Approved:

**Marva A. Smith**By: \_\_\_\_\_  
Office of the City AttorneyBy: \_\_\_\_\_  
DEPT. Human Resources

NORFOLK, VIRGINIA

**Ordinance No. 48672**

THE FOURTH ORDINANCE AMENDING AND REORDAINING THE  
FISCAL YEAR 2022 COMPENSATION PLAN SO AS TO AMEND  
SECTIONS 6 AND 10 OF ITS REGULATIONS.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Fiscal Year 2022 Compensation Plan Ordinance and incorporated exhibits (Ordinance No. 48,380; passed May 11, 2021; effective July 1, 2021) is hereby amended and reordained in its entirety for the fourth time to revise Section 6 of the Regulations, subsections (2) and (3), concerning new Referral Bonus and Signing Bonus programs and Section 10 of the Regulations, subsection (5), concerning the calculation of the payment for unused compensatory time. The revised Regulations are attached to this ordinance in their entirety and incorporated herein by reference, and any previous version of the Regulations is repealed.

Section 2:- That this ordinance shall be in effect from and after its adoption.

Adopted by Council February 8, 2022  
Effective February 8, 2022

TRUE COPY  
TESTE:

\_\_\_\_\_  
RICHARD ALLAN BULL

BY: \_\_\_\_\_  
CHIEF DEPUTY CITY CLERK

# REGULATIONS FOR THE ADMINISTRATION OF THE FY 2022 COMPENSATION PLAN

## Section 1. Authority and Discretion

(1) This compensation plan applies to all employees who hold classifications within this plan for the City of Norfolk. No officer or employee of the City shall have the authority by reference, omission, or error to change the content and administration of the City of Norfolk Compensation Plan.

(2) The City Attorney has the same authority and discretion as the City Manager for classifications that fall under the Department of Law.

## Section 2. Classification Updates

(1) Deletions - The elimination of a classification is due primarily to efficiency and effectiveness. Affected employees shall be governed by the reduction-in-force provisions.

(2) Additions – The City Manager or designee is authorized to create classifications during the fiscal year, as determined by operational needs.

## Section 3. Constitutional and State Board Appointed Employees

This Compensation Plan assigns pay grades to certain class titles applicable only to persons who are not employees of the City, but who are employed by other governmental officials, such as those of the Director of Elections. In addition, certain class titles listed in this Compensation Plan may be assigned not only to persons who are City employees, but also to certain other persons not employed by the City. Nothing in this Compensation Plan is intended to alter the employment status of persons employed by officials or entities other than the City of Norfolk and inclusion of class titles applicable to such persons in this Plan shall not have that result. Although the pay grades, pay rates and regulations contained in this Plan may be used by governmental officials and entities other than the City, at their discretion, with respect to the compensation of their employees, no such application shall be deemed to render such persons City employees, or to grant them any rights applicable to City employees.

## Section 4. Definitions

**"Classification"** - A group of positions or other employments authorized by ordinance, e.g., special projects, which are sufficiently alike in duties and responsibilities that they are placed in the same classification specification by the Civil Service Commission and described by the same title and assigned to the same pay grade in this Compensation Plan. In the case of positions exempted from the classified service, the term "classification" is used for convenience only, as the Civil Service Commission has no authority in relation to such positions.

**"Classified"** – All classes of positions that have certain rights and privileges.

**"Employee"** - As used in these regulations, includes employees and officers of the City whose compensation is specified in this Compensation Plan.

**"FLSA"** - The Fair Labor Standards Act.

**"Exempt Employees"** - Employees who are not covered by or are exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act.

**"Non-exempt Employees"** - Employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

**"Pay Grade"** - A series of specific pay rates assigned to a classification as the compensation for that classification.

**"Pay Rate"** - A specific dollar amount, expressed as either an annual or hourly rate as shown in the Compensation Plan schedules.

**"Regular Rate of Pay"** - An hourly rate for non-exempt employees determined by dividing total remuneration for employment (calculated in accordance with the FLSA) in any work week by the total hours worked, or, in the case of fire protection/emergency medical, or law enforcement employees, by the number of hours in the applicable declared work period established pursuant to Section 7(k) of the FLSA and Section 9.1-701 of the Virginia Code.

**"Red-Circle"** - A designation for salaries that exceed the maximum of a specified pay range. Incumbents with salaries above the maximum are frozen. Any additional compensation awarded to frozen "Red-Circle" employees will be in the form of a bonus until if and when scale adjustments bring the salary back under the maximum. No new salary adjustment exceeding the maximum will be permitted moving forward for all other employees. **"Unclassified"** – All classes of positions that serve at the will of the city.

## **Section 5. Demotions**

(1) The salary of an employee demoted will be reduced by at least 5% within the new pay range not to exceed the maximum salary of the new pay range.

(2) When an employee is demoted during a promotional probationary period, the salary shall be reduced to the pay rate formerly received prior to promotion.

## **Section 6. Salary Adjustments**

(1) Bonus - The department head is authorized to recommend and approve bonuses for, but not limited to, exceptionally meritorious service on a non-recurring basis, if funds are available within departmental salary accounts. Bonuses are limited to no more than five percent (5%) up to a maximum of \$5000, the City Manager or designee can approve a higher amount. Bonuses will not be included in an employee's base wages or retirement calculation.

(2) Referral Bonus – The City Manager may authorize an incentive to all current employees, sworn or non-sworn, who refer applicants who are selected and successfully hired into full-time positions. Payments of this bonus shall be in two parts. This two-part referral bonus award payment will be authorized by the Human Resources Director in conjunction with the Finance Director. The first payment of 50% of the total referral bonus will be made after the referred candidate is hired and completes 60 days of continuous employment in good standing with no corrective/disciplinary action. After the non-sworn referred candidate successfully completes their Probationary Period (or after six (6) months if there is no applicable probationary period) in good standing with no corrective/disciplinary action, or the sworn referred candidate successfully completes their recruit academy in good standing with no corrective/disciplinary action, the employee responsible for the referral will receive the second half of the award. For each full-time non-sworn position filled, the

referring employee will receive \$3,000.00 in total. For each full-time sworn position filled, the referring employee will receive \$5,000 in total. This referral bonus program shall continue for the term of the FY2022 Compensation Plan Ordinance and incorporated attachments. The City Manager is authorized to promulgate rules and conditions consistent with this Regulation to govern the operation of this referral bonus program without seeking an amendment of the FY2022 Compensation Plan and its incorporated exhibits. The City Manager may modify such rules and conditions without notice, but such modifications shall be publicly posted afterwards in the City Manager's Policy and Administrative Regulations.

(3) **Signing Bonus** – The City Manager may authorize an incentive paid to new City employees. Payments of this bonus shall be in two parts. This two-part signing bonus award payment will be authorized by the Director of Human Resources in conjunction with the Director of Finance. The first payment of 50% of the total signing bonus will be after a new employee is hired and completes 60 days of continuous employment in good standing with no corrective/disciplinary action. After a new non-sworn employee successfully completes their Probationary Period (or after six (6) months if there is no applicable probationary period) in good standing with no corrective/disciplinary action, or a new sworn employee successfully completes their recruit academy in good standing with no corrective/disciplinary action, the new employee will receive the second half of the award. Each successful candidate will receive \$5,000 in total. The City Manager is authorized to promulgate rules and conditions consistent with this Regulation to govern the operation of this signing bonus program without seeking an amendment of the FY2022 Compensation Plan and its incorporated exhibits. This signing bonus program shall continue for the term of the FY2022 Compensation Plan Ordinance and incorporated exhibits. The City Manager may modify such rules and conditions without notice but such modifications shall be publicly posted afterwards in the City Manager's Policy and Administrative Regulations.

(4) **Merit Increase** – When recommended in writing by a department head, supported by a performance agreement, endorsed by the Director of Human Resources, and available funds are certified by the Director of Budget and Strategic Planning, the City Manager or designee may authorize one administrative pay adjustment per fiscal year, for meritorious service demonstrated by an employee on an ongoing and continual basis. A performance evaluation conducted within the past 12 months must be included with merit increase requests.

(5) The City Manager or designee may authorize special assignment pay not to exceed pay grade maximum, when an employee is assigned additional duties that are significantly outside of their normal job responsibilities for at least fifteen (15) days. When the special assignment is discontinued, an employee's compensation shall revert to the salary previously paid prior to such assignment.

(6) Employees in step based pay plans may receive step increases on a schedule as determined by City Manager or designee.

(7) All pay changes or adjustments shall become effective on the first day of the respective pay period that follows the approval of the City Manager or designee, unless otherwise specified. If the approval date and the first day of the respective pay period coincide, the adjustment shall become effective on that date.

(8) In the event that the federal or state minimum wage rate is higher than the minimum of the pay grade, all employees will be paid at least the federal or state minimum wage rate, whichever is greater.

(9) When the minimum pay rate in a pay grade for any Division of Social Services classification is below the minimum salary mandated for that classification by the Commonwealth of Virginia, the City Manager or designee shall increase the compensation to the Commonwealth-specified minimum salary.

(10) The City Manager or designee may disburse funds in support of a pay-for-performance initiative.

### **Section 7. Inclusiveness of Specified Compensation**

The rates of compensation specified in these regulations and the other tables, appendices and attachments to the Compensation Plan ordinance, for the positions with the classifications listed constitute the total monetary compensation of the regular, full-time employees and officers holding such positions as members of the classified or unclassified service and of those holding them as members of neither service (e.g., special project employees). Also, to the extent funds are available, the City Manager or designee may provide payment and/or reimbursement of monies authorized in advance and incurred as an incident of employment related to attraction, retention, motivation and/or development.

The following additional compensation for Council Appointees are as follows:

(1) The City Manager:

- (a) the use of a City car or to receive a monthly car allowance of \$833.33. If the car allowance is elected, that supplemental pay shall be counted as earnable compensation for the calculation of retirement pension benefits;
- (b) a contribution in the amount of \$24,500 to the City Manager's section 401 account;
- (c) payment of health, dental and vision insurance premium costs;
- (d) payment of disability insurance premium costs;
- (e) payment of mandated Virginia Retirement System life insurance premium costs;
- (f) enrollment fees for membership into three professional organizations; and
- (g) severance payment, in addition to payout of leave balances, if involuntarily terminated for any reason other than malfeasance or a criminal offense, in the following amounts: if terminated during the first two years of employment, one year of severance pay at current rate; if terminated during the third year or any time thereafter, nine months of severance pay at current rate.

(2) The City Attorney:

- (a) the use of a City car or to receive a monthly car allowance of \$833.33. If the car allowance is elected, that supplemental pay shall be counted as earnable compensation for the calculation of retirement pension benefits;
- (b) a contribution into a 457 account in an amount equal to the maximum allowable, including "catch up" contributions and cost of living adjustments. Such contributions will be considered earnable compensation for the calculation of retirement pension benefits.
- (c) As legal counsel to the police and fire, the City Attorney shall have a retirement multiplier of 2.5% for time served as City Attorney from May 1, 1997 to his retirement ("the City Attorney Years") and a retirement multiplier of 1.75% for the preceding years from

November 4, 1984 to April 30, 1997 (the Assistant City Attorney Years); however, when added together the City Attorney Years and Assistant City Attorney Years shall not exceed 35. The Assistant City Attorney years will be reduced so that when added to the City Attorney years, the total is 35. Unused sick leave shall be added to the 35 years and subject to the 2.5% multiplier. For example, if the city attorney retired on April 30, 2023, his normal service retirement allowance would consist of a pension equal to 2.5% times his average final compensation multiplied by 27.5 years (City Attorney Years plus accrued sick leave) plus 1.75% times his average final compensation multiplied by nine years (the Assistant City Attorney Years reduced so that when added to the City Attorney years the total equals 35). In this example, the average retirement multiplier would be 2.315 percent. Accordingly, Section 37-61 of the Norfolk City Code, 1979, is hereby amended and reordained to add one new subsection (p) concerning the city attorney, numbered and reading as follows: "(p) Notwithstanding any ordinance to the contrary, the City Attorney shall have a normal service retirement allowance consisting of a pension equal to 2.5% of his average final compensation multiplied by the number of years of creditable service as City Attorney from May 1, 1997 to his retirement ("City Attorney Years") plus unused sick leave, plus 1.75% of his average final compensation multiplied by the number of years from November 4, 1984 to April 30, 1997 (the Assistant City Attorney Years), which when added to the City Attorney Years causes the total to equal 35 (the Assistant City Attorney Years reduced so that when added to the City Attorney years the total equals 35). The unused sick leave will be at the 2.5% multiplier and added to the 35 years of creditable service." In accordance with Section 143 of the Norfolk City Charter, this retirement benefit cannot be reduced to the extent it has accrued.

## **Section 8. Living Wage**

Effective July 1, 2021 the living wage for all city employees will increase from \$26,200 annually (\$12.59615/hour) to \$26,500 annually (\$12.74038/hour).

## **Section 9. New Hire Compensation**

(1) Every person whose position is included within a classification listed in this Compensation Plan, shall be employed at the minimum rate of the pay grade established for the classification, except as otherwise provided, subject to the availability of funds.

In the case of a new appointee whose experience and qualifications exceed the minimum qualifications for the position:

- A department director may authorize an initial salary up to 15% above the minimum of the pay range for the position.
- The Director of Human Resources may authorize an initial salary up to the midpoint of the pay range.
- The City Manager or designee may authorize a salary beyond the midpoint of the pay range.
- The City Council, in cases of persons whose appointments it confirms, may authorize employment at any rate in such pay grade.

(2) Persons initially employed in Special Project status who move to a permanent position of the same title and grade in the classified service pursuant to the rules and with the approval of the Civil Service Commission, shall have no change in compensation.

## **Section 10. Overtime and Related Provisions**

### **(A) General Provisions**

(1) No employee shall be entitled to or shall receive any additional monetary compensation or shall be granted any compensatory time off for hours of work in excess of the standard work day, as defined in Section 2-47 of the City Code, except as provided herein.

(2) For the purposes of determining eligibility for compensation for overtime work, City employees are assigned to two eligibility categories:

(a) Non-Exempt – Employees, who under the FLSA, are required to receive monetary compensation or compensatory time for overtime work in accordance with the FLSA:

- i. at the rate of one and one-half times their regular rate of pay, or compensatory time equal to one and one-half times the number of hours actually worked in excess of 40 hours in a work week; or
- ii. in the case of fire protection and law enforcement personnel on a work period between 7 and 28 days, at a rate established pursuant to 29 U.S.C. §207(k) of the Federal Code and §9.1-701 of the Virginia Code.

(b) Exempt - Employees who are exempt from the FLSA and are not eligible to receive either monetary overtime compensation or compensatory time off for overtime work.

(3) Non-exempt employees will be eligible for monetary overtime compensation or compensatory time off when, by reason of necessity or emergency, they are required to work in excess of 40 hours per week, or for fire protection and law enforcement personnel, in excess of the rate established pursuant to 29 U.S.C. §207(k) of the Federal Code and §9.1-701 of the Virginia Code.

(a) All periods of paid leave should be counted towards eligibility of overtime for sworn public safety employees.

(b) Paid time off will not be counted as hours worked toward achieving eligibility for overtime status for non-sworn employees in accordance with the Fair Labor Standards Act.

(4) Department heads or their designees are authorized to approve overtime work for non-exempt employees. An agreement between department heads or their designees and the individual employee must be reached prior to performance of overtime work, if compensatory time is to be given in lieu of monetary overtime.

(5) Compensatory time is subject to the following limits:

(a) Eligible non-sworn employees may not accrue more than 240 hours of compensatory time (160 hours of actual overtime worked). Employees who have accrued 240 hours of compensatory time off will be paid monetary overtime for additional overtime hours of work.

(b) Sworn employees may not accrue more than 480 hours of compensatory time (320 hours of actual overtime worked). Sworn employees who have accrued 480 hours of compensatory time off will be paid monetary overtime for additional overtime hours of work.

- (c) Non-exempt employees who have accumulated overtime may request compensatory time off and such compensatory time off shall be granted within a reasonable period of time, so long as it does not unduly disrupt the affected Department's operation.
  - (d) Employees shall be paid for unused compensatory time earned at a rate not less than the final regular rate received by the employee.
  - (e) Upon request by a department head, the City Manager or designee may authorize payment of monetary overtime, if determined that an allowance of compensatory time off would adversely affect the operations of the City, and when funds are available.
- (6) General non-exempt employees assigned to a designated task system of operation are ineligible for overtime during the performance of their designated tasks unless:
- (a) The designated task requires more than 8 hours of work in any one day or more than 10 hours of work in any one work day for employees assigned to a 4-day, 10-hour per day work week; or
  - (b) Employees have completed their designated tasks for the day and are assigned additional tasks; or
  - (c) They are required to work in excess of 40 hours in a work week.
  - (d) The designated tasks for each employee operating under a task system shall be set forth in writing by the Department Head.
  - (e) Employees performing overtime work as defined in this paragraph shall be entitled to monetary overtime or compensatory time off for each hour they are required to perform such work, in accordance with the regulations set forth in this plan.

## **(B) Training**

(1) When state and/or federally mandated recertification training requirements cannot be accommodated during scheduled work periods, and when this circumstance has been certified, in writing, by the Director of Human Resources, employees may be granted off-duty training time, on an hour for hour basis, including the taking of the final examination, that can only be offered to them by management during off-duty hours. Such time will not be extended to include travel time. Non-exempt fire-rescue employees required to participate in state-mandated Advanced Life Support recertification training will only be eligible to receive this compensation once every three years, in accordance with Virginia Department of Health, Office of Emergency Medical Services recertification periods.

(2) Training required by the employer as part of an employee's normal assignments, other than training required for state and/or federal recertification, shall be considered as hours worked, and any overtime hours necessitated by such requirement shall be paid for in accordance with the FLSA and regulations herein.

## **(C) Official Holidays**

In all cases where employees are required to work on any designated holiday, the following provisions will apply.

(1) Non-exempt employees will receive monetary compensation equal to one and one-half times the hourly pay rate established for their classification (except for the birthday holiday and



diversity holiday). In addition, these employees will be granted time off, equal to hours actually worked during their normally scheduled work hours, in lieu of the holiday; provided, however, that Refuse Collectors, Refuse Collection Supervisors, Refuse Inspectors and Waterworks Operator classifications may choose a holiday leave credit day or monetary pay (at straight time) for holidays designated by the department's Director, subject to the availability of funds for monetary pay. The extra hourly payments for holiday work will not be included in computing the employee's regular rate of pay for overtime computation purposes in accordance with the FLSA. Employees required to work on their birthday holiday and/or the diversity holiday will be compensated at the pay rate established for their classification.

(2) Exempt employees receive holiday leave credit equivalent to hours actually worked up to their regularly scheduled work hours.

(3) Holiday leave credit for holiday service must be used within twelve (12) months from the holiday for which it is granted. Upon the request of a Department Head, the City Manager may authorize monetary payment for holiday leave credit.

(4) When an employee's normal weekly work schedule includes a Saturday or a Sunday, and a designated holiday falls on a scheduled weekend work day, the holiday shall be observed by such employee on the actual work day on which it occurs, rather than on the preceding Friday or the Monday thereafter.

(5) Holiday leave credit earned in accordance with these regulations pertaining to holidays may only be used after the occurrence of the holiday.

(6) An employee may receive only one holiday premium during any given holiday (24-hour period).

#### **(D) Special Provisions for Emergency Declarations**

The City Manager may determine that an emergency situation merits the modification or suspension of basic City services and is authorized to take such action and provide paid emergency leave to non-essential personnel and additional appropriate compensation or leave to employees required to work during this period. Any such declarations made by the City Manager shall be immediately shared with the City Council.

#### **(E) Special Provisions for Specific Job Classifications**

(1) Whenever an eligible employee, not working a regular tour of duty, is required to appear in court for the purpose of testifying on behalf of the Commonwealth of Virginia or the City of Norfolk, or to give a deposition in lieu of appearing, to testify to the facts which arise within the scope of his or her employment with the City of Norfolk, such employee shall receive monetary overtime compensation equal to one and one-half times the hourly rate of pay established for such classifications for each hour he or she is required to be present in such court or at such proceeding. The minimum time for which such overtime compensation shall be payable will be one hour and payment after the first hour will be computed in increments of 15 minutes. The extra half-time payment for such appearances shall not be included in computing the employee's regular rate of pay for overtime computation purposes in accordance with the FLSA. Such employees who are required to appear for any of the above purposes who are on sick leave or receiving worker's compensation because of a work-related disability shall not be entitled to such overtime compensation.

(2) Whenever an employee who is absent from duty on leave without pay status or on suspension, is required by the City to appear in a civil or criminal court, or at a hearing before an agency of the Commonwealth of Virginia, or to give a deposition in lieu of appearing, to testify to facts which arise within the scope of his or her employment with the City of Norfolk, such employees shall receive compensation equal to the hourly rate of pay established for such classifications for each hour he or she is required to be present in such court or at such proceeding. Such employees shall not be entitled to overtime compensation for such appearances.

(3) Whenever a former employee of the City is required by the City to appear in a civil or criminal court, or at a hearing before an agency of the Commonwealth of Virginia, or to give a deposition in lieu of appearing or for discovery purposes, by subpoena or otherwise, to testify to facts which arose within the scope of his or her employment with the City, such former employee shall receive an hourly stipend of ten dollars (\$10.00) for every hour or any part thereof required to appear.

### **Section 11. Part-Time Employment**

Employees holding positions who work fewer hours than full-time employees will receive compensation proportionate to their hours worked within such classification.

### **Section 12. Promotions and Reclassifications**

(1) Promotional salaries must be at or above the minimum of the new pay grade. When an employee is promoted through a competitive process, the Department Head may authorize a promotional salary up to fifteen percent (15%) above the current salary. The City Manager or designee may authorize a higher promotional percentage, in cases of business necessity, where an employee's experience and qualifications exceed the minimum qualifications of the position.

(2) Promoted sworn police employees will receive a salary at least five percent (5%) above the former salary or the minimum of the new pay grade, whichever is greater.

(3) In no event shall an employee's salary, promoted under this sub-section, exceed the maximum of the new pay grade.

(4) An employee who is promoted in place to a classification having a higher minimum pay range will receive at least the minimum of the new pay range. If the position is reclassified to a classification in the same pay range, the employee's salary will remain unchanged. If the position is reclassified to a classification having a lower minimum pay range, the employee's salary will be reduced by five percent (5%) or to a level within the new range not to exceed the maximum.

Automatic Reclassifications within the following job class series shall receive a pay increase in accordance with approved specified schedules:

- Animal Caretaker I to Animal Caretaker II
- Benefit Programs Specialist I to Benefit Programs Specialist II
- Budget & Policy Analyst I to Budget & Policy Analyst II
- Citizen Service Advisor Trainee to Citizen Service Advisor III
- City Planner Associate through City Planner III
- City Planning Technician to City Planning Technician, Senior
- Civil Engineer I through Civil Engineer III
- Compensation & Staffing Analyst I to Compensation & Staffing Analyst II

- Construction Inspector I to Construction Inspector II
- Employee Relations Analyst I to Employee Relations Analyst II
- Environmental Specialist I to Environmental Specialist II
- Multimedia Communications Specialist I to Multimedia Communications Specialist II
- Public Safety Intern through Firefighter-EMT-Paramedic
- Police Recruit to Police Officer
- Procurement Specialist I through Procurement Specialist III
- Public Safety Telecommunicator I through Public Safety Telecommunicator II
- Real Estate Appraiser I through Real Estate Appraiser III
- Refuse Collector I to Refuse Collector II
- Senior Accountant I through Senior Accountant III (Finance only)
- Traffic Maintenance Technician I through Traffic Maintenance Technician III
- Traffic Sign Fabricator I to Traffic Sign Fabricator II
- Traffic Signal Technician I through Traffic Signal Technician IV
- Waterworks Operator I through Waterworks Operator IV
- Zoning Inspector I through Zoning Inspector III

All promotions and reclassifications are effective on the first day of the respective pay period that follows the approval of the Civil Service Commission, City Manager or designee, unless otherwise specified. If the approval date and the first day of the respective pay period coincide, the promotion or reclassification shall become effective on that date.

### **Section 13. Regrading of Job Classes**

(1) When a job classification is assigned to a higher pay grade (regrade), the incumbent's salary shall be increased to the minimum pay rate of the new pay grade.

(2) If an incumbent's salary exceeds the minimum rate of the new pay grade, the salary may be increased by a percentage determined by the City Manager or Director of Human Resources.

### **Section 14. Reinstatement**

An employee reinstated to a previously held position may be reinstated to the salary earned at the time of separation.

### **Section 15. Additional Compensation**

(1) Supplemental compensation authorized by this section and the attached Supplemental Pay, Bonus and Incentive Appendices will be included in calculating the regular rate of pay of non-exempt employees, as required by the FLSA.

(2) Only permanent employees are eligible for supplemental compensation, unless otherwise indicated.

(3) During any part of a month when an employee is absent from duty on leave without pay status, or is on suspension without pay, such employee shall not be entitled to be credited with or to

receive any special duty pay authorized herein for the portion of the month for which the employee is not receiving pay as noted above.

(4) No special duty pay will be considered in the computation of salary increases to which an employee is eligible due to promotion, reclassification, annual increments, or merit pay adjustments.

(5) Special duty pay is not considered as a promotion or reclassification, and will not alter an employee's classification or pay grade.

(6) Permanent employees who are regularly required to perform service at night, shall receive their normal compensation plus a sum equal to ten percent (10%) of the pay rate as established. Such additional compensation shall only be paid to employees working a fixed shift where one-half or more of the employee's regular working hours are scheduled after 5:00 p.m. and shall not be paid to sworn members of the Departments of Fire-Rescue and Police nor the Department of Emergency Preparedness and Response (EPR). In addition, employees working a rotating shift or a shift which otherwise requires them to periodically work at night are excluded. A fixed shift basis of employment is one in which the regular working hours are identical each working day for a period of not less than 90 calendar days. A rotating shift is one in which the hours of work fluctuate on a regular basis or irregular basis.

(7) Employees in classifications assigned to certain duties and meeting specified criteria, shall receive the indicated supplement amounts as described in the attached Supplemental Pay Appendices.

(8) The following supplements are included in the calculation of retirement credit for sworn employees:

- (a) Education Pay
- (b) Senior and Master Police Officer
- (c) Gun allowance (Fire-Rescue)

(9) Sworn fire-rescue personnel designated as Master Firefighter who meet and maintain service and performance requirements specified in the Standard Operating Procedures for obtaining the Master Firefighter designation will receive compensation, in addition to their regular pay rate, authorized in the respective General Order and approved by the Director of Public Safety.

## **Section 16. On-Call**

(1) On-call status applies to all hours other than an employee's regularly scheduled work hours on weekdays and 24 hours on Saturday and on Sunday. An employee scheduled for on-call who is on approved sick leave (due to illness) for a full day would not be eligible for on-call on that day.

(2) Non-exempt employees whose positions are approved by the City Manager for additional compensation for serving in an on-call status will be paid, in addition to their regular pay rates, according to one, and only one, of the following:

- (a) \$133.00 for each full weekly period of assigned on-call duty;

- (b) \$154.00 for each full weekly period of assigned on-call duty, if any holiday designated in City Code Section 2-48 occurs within that week;
- (c) \$19.00 for each full day of on-call duty; or
- (d) \$40.00 for any holiday designated in City Code Section 2-48.

(3) Employees designated in on-call status on a holiday or for any full week in which a holiday falls may receive only one on-call premium, pursuant to either but not both subsection (2) (b) or (2) (d) above.

### **Section 17. Temporary Acting Service**

(1) Whenever a classified employee is assigned, by the City Manager or designee to serve in a temporary acting capacity in a higher pay grade, such employee, during the period of such service, shall receive compensation of at least 5% of their current salary or the minimum rate of the new classification, whichever is greater; or as provided under (2).

(2) If the employee's salary in his/her permanent classification exceeds the minimum rate of the temporary classification, he/she shall be compensated as follows:

(a) When an employee is assigned to serve in temporary acting capacity in a position where the minimum pay rate of the new pay grade is 15% or greater than the minimum rate of the former pay grade, the employee's salary shall be increased to the greater of the minimum rate of the new pay grade or 10% above the former salary.

(b) When an employee is assigned to serve in temporary acting capacity in a position where the minimum pay rate of the new pay grade is less than 15% above the minimum pay rate of the former pay grade, the employee's salary shall be increased to the greater of the minimum rate of the new pay grade or 5% above the former salary.

(3) Whenever members of the unclassified service are assigned to serve in a temporary acting capacity in a higher pay grade, the City Manager or designee may authorize, based on objective criteria, the salary of the employee to be at any specific dollar amount within the pay grade assigned to such classification.

(4) When temporary acting service is discontinued, an employee's compensation shall revert to the employee's previous salary including any applicable salary adjustments.

(5) Temporary Acting Service, for classified employees, shall be no longer than 180 days unless approved by the Civil Service Commission. In no event shall such service be permitted for longer than two years.

### **Section 18. Transfers and Reassignments**

An employee transferred or reassigned to a position in the same pay grade will receive no change in salary.

### **Section 19. Leave Payout**

(1) Remaining accrued annual leave (up to the carryover limit specified) for an employee who has left City service will be paid as part of the normal payroll schedule.

(2) Any remaining annual leave (up to the carryover limit specified) may be requested as payout following a period of pre-disciplinary leave or disciplinary suspension of at least thirty (30) days. Requests for a lump sum payout must be submitted in writing to the Department of Human Resources.

## **Section 20. Severance Pay**

(1) The City Manager, with reasonable discretion, may award severance pay to any non-probationary member of the classified or unclassified service of the City separated due to a reduction in force (RIF).

(2) The City Manager, with reasonable discretion, may award severance pay to any member of the unclassified service of the City separated due to a desired change in leadership.

(3) An employee will not be eligible for severance pay if the employee is being let go due to charges of nonfeasance, misfeasance or malfeasance in office.

(4) Payments for severance pay will be in the form of a lump sum payment.

(5) This severance pay shall be in addition to any salary or leave compensation to which such employee may be entitled through the actual date of separation but will not be considered annual earnable compensation included in their average final compensation calculation for retirement purposes. This severance policy does not and shall not create employment or compensation rights.

(6) The City Manager or designee shall exercise this discretion within the following limitations, including available funding:

<b>Months of Service</b>	<b>Severance Pay (at normal pay rate)</b>
<b>General and Public Safety Employees</b>	
0 to 24 months	Salary for 2 pay periods
25 to 59 months	Salary equal to 4 pay periods
60 months or more	Salary equal to 6 pay periods
<b>Department Heads</b>	
0 to 24 months	Salary equal to 8 pay periods
25 months or more	Salary equal to 12 pay periods
<b>Chief Deputy and Deputy City Managers</b>	
0 to 24 months	Salary equal to 14 pay periods
25 months or more	Salary equal to 18 pay periods

## **Section 21. Corrections**

When reported errors or mistakes in the application of the compensation plan are verified by the Director of Human Resources, the City Manager or designee will determine the appropriate corrective action. Pending the City Manager's approval, the Director of Human Resources will take immediate action to prevent continued overpayment or underpayment of any salary.

## **Section 22. Police Officer Retention Bonus Program.**

All Officers wishing to participate in this Bonus Program must first execute a contract delineating their rights and duties under this Program.

This Section 22 of the Regulations, as with all provisions of the Annual Compensation Plan (ordinance and exhibits including Regulations), is effective for one Fiscal Year, Fiscal Year 2022, and will end upon the Council's establishment of a new Compensation Plan to be effective July 1, 2022.

### **(1) Qualifying Groups.**

#### **(a) Captains to Lieutenants.**

All current sworn officers within this group may sign during the life of this Compensation Plan (Ordinance and exhibits including Regulations) a five-year commitment to continue employment as a Norfolk Police Officer and receive a bonus as provided for by this regulation and its associated contract. Individual bonuses will be established in the contracts based on the number of police officer vacancies but will be not more than eight thousand dollars (\$8,000) each.

#### **(b) Sergeants and below excluding Police Recruits.**

All current sworn officers within this group may sign during the life of this Compensation Plan (Ordinance and exhibits including Regulations) a five-year commitment to continue employment as a Norfolk Police Officer and receive a bonus as provided for by this regulation and its associated contract. Individual bonuses will be established in the contracts based on the number of police officer vacancies but will be not more than twelve thousand dollars (\$12,000) each.

#### **(c) Police Recruits.**

All Officers hired into the Police Recruit classification who successfully complete the Academy during the effective life of this Compensation Plan (ordinance and exhibits including Regulations) and are automatically reclassified into Police Officer 1 positions may choose:

(i) To immediately sign a five-year commitment and receive a bonus as provided for by this regulation and its associated contract Individual bonuses will be established in the contracts based on the number of police officer vacancies but will not be more than five thousand dollars (\$5,000) each.

(ii) To sign no immediate five-year commitment. Such officers may be eligible to later sign a five-year commitment after their one-year probationary period as a Police Officer ends, depending on the then current Compensation Plan (ordinance and exhibits including Regulations). Individual bonuses will be established in the contracts based on the number of police officer vacancies but will be the same as for those in Qualifying Group (b).

### **(2) Program Specifics**

- (a) Officers' bonuses will vest gradually over a period of five years at the rate of 20% (percent) per year.
- (b) Officers voluntarily separating from City employment must repay unvested portions of their bonuses.
- (c) Officers terminated for cause must repay unvested portions of their bonuses.
- (d) Officers' Five-year commitment cannot be prorated for planned retirement.
- (e) Officers' years worked while in DROP will not count towards five-year commitment.
- (f) Officers' time spent on active duty if recalled to active military duty will count towards five-year commitment.

**(3) Exceptions to Repayment Provision.**

Repayment is not required under these circumstances, upon an Officer's provision of adequate proof of the circumstances (adequacy to be determined by City):

- (a) An Officer's spouse or partner in the military is transferred to a new duty station more than 50 miles from Norfolk.
- (b) An Officer's spouse or partner receives a verified job offer more than 50 miles from Norfolk.
- (c) An Officer's resignation when required to provide long-term care to a sick family relation. Family relationships eligible for this exception shall be those for which an Officer could take sick leave to care for pursuant to Section 2-50 of the Norfolk City Code (1979), as amended.
- (d) An Officer's developing a health condition preventing carrying out their duties if that condition could not be accommodated for pursuant to the Americans with Disabilities Act.
- (e) An officer's Position being eliminated as part of a Reduction in Force.